

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 817

To encourage the acquisition and use of resource efficient materials in construction, repair, and maintenance of Federal buildings.

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## IN THE SENATE OF THE UNITED STATES

APRIL 22 (legislative day, APRIL 19), 1993

Mr. GLENN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To encourage the acquisition and use of resource efficient materials in construction, repair, and maintenance of Federal buildings.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Resource Effi-  
5       cient Building Materials Act of 1993”.

6       **SEC. 2. DEFINITIONS.**

7       For purposes of this Act:

8               (1) The term “Administrator” means the Ad-  
9       ministrator of General Services.

1           (2) The term “agency” means an Executive  
2           agency as defined under section 105 of title 5, Unit-  
3           ed States Code, and any agency of the judicial  
4           branch of Government.

5           (3) The term “resource efficient materials”  
6           means any recycled, recovered, reclaimed or reused  
7           material whose production, manufacture, fabrication  
8           and use conserves and preserves natural resources  
9           when compared to the production, manufacture, fab-  
10          rication and use of comparable, more conventional  
11          materials.

12          (4) The term “resource efficient building mate-  
13          rials” means any resource efficient material which  
14          may be used in the construction of a building or fa-  
15          cility.

16          (5) The term “solid waste” shall have the same  
17          meaning as such term is defined under section  
18          1004(27) of the Solid Waste Disposal Act (42  
19          U.S.C. 6903(27)).

20          (6) The term “construction” shall have the  
21          same meaning as such term is defined under section  
22          1004(2) of the Solid Waste Disposal Act (42 U.S.C.  
23          6903(2)).

1 **SEC. 3. FEDERAL ACQUISITION AND USE OF RESOURCE EF-**  
2 **FICIENT BUILDING MATERIALS.**

3 (a) DEMONSTRATION OF USE OF MATERIALS.—The  
4 Administrator shall establish a 3-year pilot program to  
5 demonstrate the acquisition and use of resource efficient  
6 building materials in the construction of Federal facilities  
7 and buildings and in existing Federal facilities and build-  
8 ings.

9 (b) SELECTION CRITERIA.—In selecting resource ef-  
10 ficient building materials, the Administrator shall use the  
11 criteria of—

12 (1) maximizing the conservation and preserva-  
13 tion of natural resources;

14 (2) ensuring that the materials are similar in  
15 quality and durability to comparable, more conven-  
16 tional materials;

17 (3) ensuring that the materials are cost com-  
18 petitive with comparable, more conventional mate-  
19 rials on a life cycle cost basis;

20 (4) ensuring that the materials meet appro-  
21 priate environmental, public health, and safety  
22 standards; and

23 (5) meeting appropriate standards for energy  
24 efficiency.

25 (c) PREFERENCES AMONG RESOURCE EFFICIENT  
26 BUILDING MATERIALS.—When making choices between

1 comparable resource efficient building materials that meet  
2 all the criteria under subsection (b), the Administrator  
3 shall give preference to those materials that best satisfy  
4 the criteria under subsection (b)(1).

5 **SEC. 4. REPORT.**

6 Upon completion of the pilot program established  
7 under section 3 the Administrator shall report to Congress  
8 on its implementation. Such a report shall include—

9 (1) a listing of the type and quantities of re-  
10 source efficient building materials used;

11 (2) the cost and performance of such materials  
12 compared to comparable, more conventional mate-  
13 rials;

14 (3) the extent to which the acquisition and use  
15 of such materials can be expanded beyond the scope  
16 of the pilot program; and

17 (4) an assessment of how well the materials  
18 meet the criteria under section 3(b).

19 **SEC. 5. RESOURCE EFFICIENT BUILDING MATERIAL ADVI-**  
20 **SORY BOARD.**

21 (a) ESTABLISHMENT.—There is established the Re-  
22 source Efficient Building Material Advisory Board (here-  
23 after referred to as the “Board”). The Board shall consist  
24 of 11 members appointed by the Administrator of whom—

1           (1) one shall be a representative from the Gen-  
2       eral Services Administration;

3           (2) one shall be a representative from the Envi-  
4       ronmental Protection Agency;

5           (3) one shall be a representative from the Army  
6       Corps of Engineers;

7           (4) two shall be representatives from the envi-  
8       ronmental community;

9           (5) two shall be representatives from the con-  
10      struction industry, of whom at least one shall be  
11      from a small business;

12          (6) two shall be representatives from manufac-  
13      turing companies that produce resource efficient ma-  
14      terials, of whom at least one shall be from a small  
15      business; and

16          (7) two shall be representatives from the sci-  
17      entific and technical community.

18      (b) DUTIES.—The Board shall—

19          (1) advise the Administrator on the latest devel-  
20      opments in resource efficient building materials and  
21      design and how such developments may be incor-  
22      porated into the construction of Federal buildings;

23          (2) make recommendations to the Adminis-  
24      trator on actions needed to further facilitate the ac-

1       quisition and use of resource efficient materials in  
2       Federal construction; and

3           (3) make recommendations to the Adminis-  
4       trator on actions needed to minimize the generation  
5       of solid waste in the construction of Federal build-  
6       ings and facilities.

7       (c) CHAIRMAN.—The Administrator shall serve as  
8       Chairman of the Board and shall be a voting member.

9       (d) MEETINGS.—The Board shall meet on a quar-  
10      terly basis. The Board shall comply with the provisions  
11      of the Federal Advisory Committee Act (5 U.S.C. App.).

12      (e) APPOINTMENTS.—No later than 120 days after  
13      the date of the enactment of this Act, the Administrator  
14      shall make the initial appointments to the Board. The ap-  
15      pointees shall serve until the Board's termination.

16      (f) HEARINGS.—The Board may hold such hearings,  
17      sit and act at such times and places, take such testimony,  
18      and receive such evidence as the Board considers advisable  
19      to carry out the purposes of this Act.

20      (g) INFORMATION FROM FEDERAL AGENCIES.—The  
21      Board may secure directly from any Federal department  
22      or agency such information as the Board considers nec-  
23      essary to carry out the provisions of this Act. Upon re-  
24      quest of the Chairman of the Board, the head of such de-

1 partment or agency shall furnish such information to the  
2 Board.

3 (h) POSTAL SERVICES.—The Board may use the  
4 United States mail in the same manner and under the  
5 same conditions as other departments and agencies of the  
6 Federal Government.

7 (i) GIFTS.—The Board may accept, use, and dispose  
8 of gifts or donations of services or property.

9 (j) COMPENSATION OF MEMBERS.—Each member of  
10 the Board who is not an officer or employee of the Federal  
11 Government shall be compensated at a rate equal to the  
12 daily equivalent of the annual rate of basic pay prescribed  
13 for level IV of the Executive Schedule under section 5315  
14 of title 5, United States Code, for each day (including  
15 travel time) during which such member is engaged in the  
16 performance of the duties of the Board. All members of  
17 the Board who are officers or employees of the United  
18 States shall serve without compensation in addition to that  
19 received for their services as officers or employees of the  
20 United States.

21 (k) TRAVEL EXPENSES.—The members of the Board  
22 shall be allowed travel expenses, including per diem in lieu  
23 of subsistence, at rates authorized for employees of agen-  
24 cies under subchapter I of chapter 57 of title 5, United  
25 States Code, while away from their homes or regular

1 places of business in the performance of services for the  
2 Board.

3 (l) STAFF.—(1) The Chairman of the Board may,  
4 without regard to the civil service laws and regulations,  
5 appoint and terminate an executive director and such  
6 other additional personnel as may be necessary to enable  
7 the Board to perform its duties. The employment of an  
8 executive director shall be subject to confirmation by the  
9 Board.

10 (2) The Chairman of the Board may fix the com-  
11 pensation of the executive director and other personnel  
12 without regard to the provisions of chapter 51 and sub-  
13 chapter III of chapter 53 of title 5, United States Code,  
14 relating to classification of positions and General Schedule  
15 pay rates, except that the rate of pay for the executive  
16 director and other personnel may not exceed the rate pay-  
17 able for level V of the Executive Schedule under section  
18 5316 of such title.

19 (m) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
20 Federal Government employee may be detailed to the  
21 Board without reimbursement, and such detail shall be  
22 without interruption or loss of civil service status or privi-  
23 lege.

24 (n) PROCUREMENT OF TEMPORARY AND INTERMIT-  
25 TENT SERVICES.—The Chairman of the Board may pro-



1 cure temporary and intermittent services under section  
2 3109(b) of title 5, United States Code, at rates for individ-  
3 uals which do not exceed the daily equivalent of the annual  
4 rate of basic pay prescribed for level V of the Executive  
5 Schedule under section 5316 of such title.

6 (o) REPORT.—No later than 90 days after the com-  
7 pletion of the demonstration program under section 3, the  
8 Board shall submit a report to Congress and the Adminis-  
9 trator that—

10 (1) shall make recommendations to the Admin-  
11 istrator on actions needed to further facilitate the  
12 acquisition and use of resource efficient materials in  
13 Federal construction;

14 (2) shall make recommendations to the Admin-  
15 istrator on actions needed to minimize the genera-  
16 tion of solid waste in the construction of Federal  
17 buildings and facilities;

18 (3) shall evaluate the implementation and effec-  
19 tiveness of the demonstration program; and

20 (4) shall include any dissenting minority views.

21 (p) TERMINATION.—The Board shall cease to exist  
22 within 1 year after the submission of its report under sub-  
23 section (o).

1 **SEC. 6. GUIDELINES TO FEDERAL AGENCIES.**

2 (a) IN GENERAL.—No later than 1 year after the  
3 date on which the Resource Efficient Building Material  
4 Advisory Board submits its report under section 5(o), the  
5 Administrator shall, after consultation with the Adminis-  
6 trator of the Environmental Protection Agency, promul-  
7 gate regulations containing guidelines to Federal agencies  
8 on minimizing the creation of solid waste and on maximiz-  
9 ing the use of resource efficient building materials in the  
10 construction of Federal buildings. Such regulations shall  
11 include—

12 (1) a requirement that bids for Federal con-  
13 tracts for the construction of Federal buildings in-  
14 clude a plan for minimizing the generation of solid  
15 waste and for maximizing the use of resource effi-  
16 cient building materials in such construction; and

17 (2) standards for an acceptable plan that satis-  
18 fies the requirement under paragraph (1).

19 (b) RECOMMENDATIONS.—The Administrator shall  
20 consider each recommendation of the Resource Efficient  
21 Building Material Advisory Board in implementing sub-  
22 section (a).

23 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated \$5,000,000  
25 for fiscal year 1994, \$7,000,000 for fiscal year 1995, and

- 1 \$8,000,000 for fiscal year 1996 to carry out the purposes
- 2 of this Act.

